

### **REMARKS**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Office Action and prior art relied upon have been carefully considered. In an effort to expedite the prosecution of the present applicant, claims 1-3 are canceled and new claims 4 and 5 are submitted for the Examiner's consideration. Applicant wishes to thank the Examiner for participating in a telephone interview on April 20, 2006 to discuss the newly submitted claims and their patentability as compared to the cited references. During the course of the interview, the Examiner appreciated the points to be discussed hereinafter, but no decision was reached as to the allowability of the claims pending the Examiner's full consideration of the application.

In his Office Action, the Examiner rejected prior claims 2-3 under 35 U.S.C. § 112, first paragraph. The objectionable language dealing with "simultaneously introducing oxygen" has been eliminated in the newly submitted claims so that further rejection on this ground is not anticipated.

The important distinction regarding oxygen introduction is now set forth in claim 4, paragraph (c). In particular, claim 4 clearly sets forth the formation of the inorganic alignment layer while introducing oxygen gas. Dependent claim 5 defines the adjusted pressure range of the oxygen. The patentable limitations of claims 4 and 5 are clearly described in paragraphs [0076], [0077] and [0084] of the published application.

On page 3, line 3, et seq. of the Office Action, the Examiner correctly states that "therefore, the oxygen gas is introduced into the filming apparatus, and then the pressure of the oxygen gas is adjusted so as to orient the pres-tilt angle, and then the inorganic alignment layer is deposited.

Previous claims 2-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu (US 6,426,786) in view of Shimada (US 5,030,322). However, the Examiner recognizes (see

page 4, line 17 of the Office Action) that Lu does not disclose the introduction of oxygen gas into the filing apparatus at a prescribed gas pressure. Beginning in the last paragraph on page 4 of the Office Action, the Examiner relies upon Shimada for disclosing the introduction of oxygen during the formation of an orientation film (citing column 6, lines 2-3; Fig. 5). The reference is also relied upon for the disclosure of a prescribed gas pressure (column 5, line 64 - column 6, line 2).

The limitations concerning the introduction of oxygen gas and adjustment of its pressure as particularly set forth in paragraph (c) of claim 4 and in claim 5 are not disclosed nor taught by Shimada. In the portion of Shimada referred to by the Examiner in columns 5 and 6, a vacuum atmosphere is maintained during the formation of an inorganic alignment layer. As will be discussed shortly, it is not until after such an alignment layer has been formed that a gas feeding system will introduce a gas such as argon, nitrogen, oxygen, hydrogen, helium or air.

Column 5, lines 3-11 summarize the method employed in the second embodiment of the Shimada patent. Column 5, lines 13-63 set forth the method for forming a polyimide film as an orientation film on the side of an electrode plate. It is important to note that during the steps for forming the polyimide film there is no introduction of oxygen gas.

As stated in Shimada in column 5, lines 64 et seq., a gas feeding valve 43 is opened (after the polyimide film is formed) and oxygen gas may be introduced. The gas introduced is necessary to etch the film surface (see column 6, line 13, 14) but this occurs after the polyimide film is formed. Accordingly, Shimada fails to disclose that oxygen gas is introduced when filming the orientation film.

Accordingly, the combination of Lu and Shimada fails to present a *prime facie* case of obviousness. Since the critical step concerning oxygen introduction at an adjusted pressure during filming of the orientation film is neither disclosed nor suggested by either of the references.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185, under Order No. 21994-00064-US from which the undersigned is authorized to draw.

Dated: April 20, 2006

Respectfully submitted,

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